

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES M WHITEY BULGER MALARIK, *et al*

Plaintiffs,

v.

BEAVER COUNTY JAIL
ADMINISTRATION, *et al*,

Defendants.

Civil Action No. 2:21-cv-779

Hon. William S. Stickman IV
Hon. Lisa Pupo Lenihan

ORDER OF COURT

Pending before the Court are the Motion for Leave to Proceed *in forma pauperis* (“IFP”) filed by James M Whitey Bulger Malarik (“Plaintiff”) and United States Magistrate Judge Lisa Pupo Lenihan’s Report and Recommendation that the motion be denied pursuant to 28 U.S.C. § 1915(g). (ECF Nos. 1 and 3). Magistrate Judge Lenihan determined that Plaintiff filed at least three actions in federal court that were dismissed for failure to state a claim upon which relief may be granted. She concluded that Plaintiff cannot proceed IFP in this action pursuant to § 1915(g) because he was not in imminent danger of serious physical injury at the time he filed his Complaint. (ECF No. 3). Plaintiff was served with the Report and Recommendation and he filed timely Objections, which can only be described as utterly incomprehensive consisting of markings on a copy of Magistrate Judge Lenihan’s Report and Recommendation that included rambling lists of names, numbers and various phrases. (ECF No. 4).

After its independent *de novo* review of the record and consideration of the parties’ pleadings, the Court hereby ADOPTS Magistrate Judge Lenihan’s Report and Recommendation as its Opinion and overrules Plaintiff’s objections. The record before the Court clearly

demonstrates that Plaintiff has accumulated three strikes and he has not demonstrated that he is in imminent danger of serious physical injury.

AND NOW, this 1st day of July 2021, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Proceed IFP (ECF No. 1) is DENIED pursuant to 28 U.S.C. § 1915(g). IT IS FURTHER ORDERED that this action is DISMISSED until such time as Plaintiff pays the full \$402.00 filing fee. Even if the other named Plaintiffs - David Lyons, Sr. and Ernest Pooh Thorton, who have not signed the Complaint or submitted their own motions for leave to proceed *in forma pauperis* - submit motions to proceed *in forma pauperis*, the case will remain closed until the full \$402.00 filing fee is paid. The Clerk of Court is ORDERED to mark this case ADMINISTRATIVELY CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S S IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE